

FILE COPY

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS PROFESSIONAL
GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

MARSHALL ARNE,
RESPONDENT :

FINAL DECISION AND ORDER
94 ARC 013

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Marshall Arne
2846 North Stowell
Milwaukee, WI 53211

Examining Board Of Architects, Landscape Architects,
Professional Geologists, Professional Engineers,
Designers and Land Surveyors
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Marshall Arne (2846 North Stowell, Milwaukee, WI 53211; D.O.B. 03/30/61) is duly licensed in the state of Wisconsin as an architect (license #.7929.)

2. In November, 1994, respondent disseminated a grand opening announcement for Art and Architecture Studio, which referred to himself and his partner as "architects," when neither of them at that time were licensed as architects in the state of Wisconsin.

4. In resolution of this matter , Mr. Arne consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Examining Board of Architects, Landscape Architects Professional Geologists, professional engineers, designers and Land Surveyors has jurisdiction in this matter pursuant to sec. 443.11, Wis. Stats.

2. By the conduct described above, Marshall Arne violated sec. 443.02(3), Wis. Stats.

ORDER

1. NOW, THEREFORE, IT IS HEREBY ORDERED that Marshall Arne is REPRIMANDED.

2. IT IS FURTHER ORDERED THAT Within sixty (60) days from the effective date of this Order, Mr. Arne shall pay to the Department of Regulation and Licensing partial costs of the investigation and prosecution of this action in the sum of two hundred dollars [\$200.00].

3. If Mr. Arne fails to successfully and timely complete all requirements set forth in paragraph 2, above, the respondent's license shall be SUSPENDED without further notice or hearing until such time as the Board accepts documentation of respondent's completion of the education requirements set forth in this Order

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS PROFESSIONAL
GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

By: *Dennis G Brown*
A Member of the Board

11/7/96
Date

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS PROFESSIONAL
GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

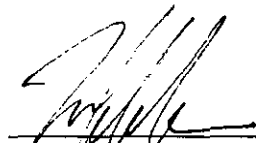
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|-------------------------------|---|-------------|
| IN THE MATTER OF DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | STIPULATION |
| MARSHALL ARNE, | : | 94 ARC 013 |
| RESPONDENT | : | |

It is hereby stipulated between Marshall Arne personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into in resolution a pending investigation of Mr. Arne's licensure by the Division of Enforcement (94 ARC 013). This Stipulation and Order shall be presented directly to the Examining Board of Architects, Landscape Architects Professional Geologists, Professional Engineers, Designers and Land Surveyors without further proceedings.
2. Mr. Arne understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights to a hearing, including the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Arne is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Mr. Arne agrees to the adoption of the attached Final Decision and Order by the Examining Board of Architects, Landscape Architects Professional Geologists, Professional Engineers, Designers And Land Surveyors. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

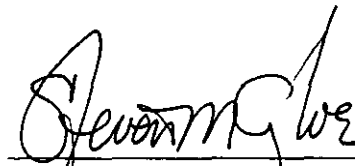
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Architect's Section assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Mr. Arne in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



Marshall Arne

10.9.96
Date



Steven M. Glog, Attorney
Division of Enforcement

10.15.96
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On November 7, 1996, the Architects Section of the Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or
forfeiture.

The amount of the costs assessed is: \$200.00 Case #: 94ARC013

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 200.00

The costs and/or forfeitures are due: December 7, 1996

NAME: Marshall Arne LICENSE NUMBER: 7929

STREET ADDRESS: 2846 North Stowell

CITY: Milwaukee STATE: WI ZIP CODE: 53211

Check whether the payment is for costs or for a forfeiture or both:

X COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

For Receipting Use Only

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND
SURVEYORS

In the Matter of the Disciplinary Proceedings Against

Marshall Arne,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)

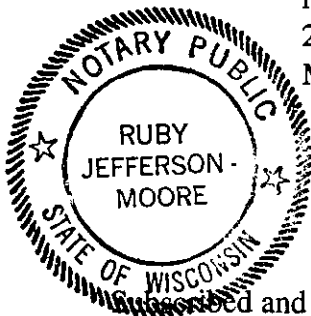
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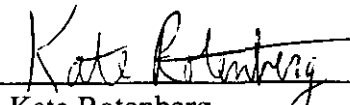
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

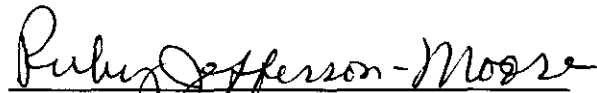
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On November 12, 1996, I served the Final Decision and Order dated November 7, 1996, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Marshall Arne by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 213 340 146.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Marshall Arne
2846 North Stowell
Milwaukee WI 53211




Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 12th day of November, 1996.


Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS & LAND SURVEYORS

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

November 12, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)